FAIR HOUSING RIGHTS FOR PERSONS WITH DISABILITIES

Q: WHAT IS THE FAIR HOUSING ACT?

A: This law was passed by Congress in 1968 and prohibits discrimination based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents of legal custodians, pregnant women, and people securing custody of children under the age of 18), and disability. Additionally, Palm Beach County prohibits discrimination in housing based on sexual orientation, age, and marital status.

Q: What is the definition of disability under the Fair Housing Act?

A: An individual is considered disabled if they meet the following definition:

- O Individual with a physical or mental impairment that substantially affects one or more life activities, or
- O Individual who has a record of having a physical or mental impairment, or
- O Individual regarded as having a physical or mental impairment.

Q: How do I know if I have been treated differently because of my disability?

A: Disability Discrimination may come in four different forms:

Intentional Discrimination:

Your housing provider may try to intentionally treat you differently because of your disability. Your housing provider may not:

- Refuse to rent to you because of your disability. For example, a
 housing provider may not refuse a disabled tenant's application
 because the tenant uses wheelchair or has received psychiatric
 treatment.
- Impose different terms and conditions on your rental or purchase. It would be a violation of the Fair Housing Act for a housing provider to require an additional security deposit for a disabled person who uses a walker.

Request for Reasonable Accommodation:

A disabled individual may request a change to a rule, policy or procedure to make the home accessible and usable. Requests for reasonable accommodation may include:

- Live-in aide for a disabled individual who needs a caretaker to assist with the
 activities of daily living. When requesting approval for a live-in aide, you
 must document the need for the live-in aide, determine the appropriate size
 of the unit (will your live-in aide need an additional room?), and be prepared
 to submit your live-in aide for screening by the housing provider.
- 2. Emotional support animal when the housing provider has a "no pets" policy.

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^{*}However, the Fair Housing Act does not provide coverage for individuals who are current drug users, pose a direct threat to health and safety of other residents, or if the tenancy may result in substantial damage to the property.

Accessible parking space for a disabled individual who needs a closer parking space.

Request for Reasonable Modification:

Sometimes, it is necessary to make physical changes to your unit so that you make full use of the unit. You may be required to pay the entire cost of the modification. Your housing provider may deny the request only if the modification will cause an undue burden or a fundamental alteration of the premises.

Requests for Reasonable Modification can include:

- 1. Installation of a ramp so that an individual in a wheelchair can have access to their unit.
- 2. Installation of grab bars in the bathroom.
- 3. Installation of tile flooring to make it easier for a person with a walker or wheelchair.

Accessibility:

Newly constructed multi-family dwellings with four or more units must provide basic accessibility to persons with disabilities, if the building was ready for first occupancy on or after March 13, 1991. The design features apply to all units in buildings with elevators and to ground floor units in multilevel buildings without elevators.

- Accessible Entrance on an Accessible Route
- Accessible public and common-use areas
- Usable Doors
- Accessible Routes into and through the dwelling unit
- Accessible light switches, electrical outlets, and environmental controls
- Reinforced walls bathrooms
- Usable kitchens and bathrooms

Q: What do I do if I think that my housing provider has discriminated against me under the Fair Housing Act?

A: You may contact the Fair Housing Project at the Legal Aid Society of Palm Beach County, Inc. for additional information regarding your rights under the Fair Housing Act.

Fair Housing Project
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423 Fern Street, Suite 200
West Palm Beach, FL 33401
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